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Chairperson Wert called the meeting of the Tipp City Restoration and Architectural Board of Review to order on Tuesday, February 26th, 2008 at 7:30 p.m. Other Board members in attendance included: Adam Blake, David Watkins, Robert Himes, Joe Bagi and Mark Mabelitini. Also in attendance were City Planner/Zoning Administrator Matthew Spring and Board Secretary Kimberly Patterson.

Citizens signing the register: Mayor Tim Evans. Kristin Mantia was present but did not sign the register.

Oath of Office for New Board Members

Mayor Tim Evans, swore in Mr. Mark Mabelitini.

Absence

Mr. Kidwell was not present due to an illness. Mr. Bagi **moved to excuse Mr. Kidwell from the meeting**, seconded by Mr. Blake. **Motion carried.** Ayes: Bagi, Blake, Himes, Watkins, Mabelitini, and Wert. Nays: None.

Minutes

Chairperson Wert asked for discussion. Mr. Blake noted the following changes: page 3 last paragraph strikethrough "if" add "whether or not"; page 3 last paragraph, last sentence add word "a" and move comma; page 4 first paragraph second sentence strikethrough "in", strikethrough "of" replace with "for". Mr. Himes **moved to approve the November 27, 2007, meeting minutes as amended**, seconded by Mr. Bagi. **Motion carried.** Ayes: Himes, Bagi, Blake, Watkins, and Wert. Nays: None. Mr. Mabelitini abstained from the vote.

Chairperson Wert explained the guidelines and procedures for the meeting. She noted that once the Board made a decision the applicant/interested party had ten days to file an appeal to the Board of Zoning Appeals. After the 10-day waiting period had expired, the applicant may file for the appropriate permits.

Citizens Comments Not on the Agenda

There was none.

New Business

Mr. Blake **moved to amend the agenda to allow item B to proceed item A to give the applicant more time to arrive**, seconded by Mr. Himes. **Motion carried.** Ayes: Blake, Himes, Wert, Mabelitini, Watkins, and Bagi. Nays: None.

Mr. Blake recused himself from the Board as he was the next applicant on the agenda.

B. Adam Blake for Rex Spenser – Owner – 20 W. Main Street, Tipp City, OH – Lot: Pt. II 34 – The applicant requests Restoration Board approval for the temporary art work on the eastern façade of the building.

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Present zoning district: CC/RA - Community Center/Old Tippecanoe City Restoration and Historic District

Section(s): §154.052(H)(1)(b)

Mr. Spring stated that the applicant requested Restoration Board approval for the placement of temporary art work on the eastern façade of the building located at 20 W. Main Street, which was the current location of Midwest Memories.

Approximately 50 works of art would be fashioned to appear as windows and covered with frames. The applicant proposed that each frame (and artwork) would be attached to the brick façade by using concrete screws known as "Tapcons." Each Tapcon screw would create a 1/16" hole that would be filled with hydraulic cement upon the removal of the artwork.

"Windows on Tippecanoe" will last through the summer of 2008. At the completion of the event, the art will be auctioned off for charity.

Mr. Adam Blake, 114 W. Main Street, stated that he was in front of the Restoration Board as a member of the Downtown Tipp City Partnership and also as a trustee of the Tipp Monroe Community Services.

Board Members found the following regarding the request: An event was being planned that was called "Windows on Tippecanoe"; The purpose of the event was to showcase local art talent that varied from professional artist to school children in the community; The concept was to display art on the side of a building located on the Midwest Memories building on the eastern side facing the Methodist Church parking lot; Approximately fifty masonite primed canvases would be used and framed with actual old window frames; Frames would be polyurethane to protect from the elements; Artwork would be temporarily displayed on the east side of the building; Batten was the first choice to minimize the intrusion of screws into the side of the building which would eliminate up to 75% of the screw holes; Battens would be made of ¾" pine strips so just the head of the Tapcon would be intruding the mortar; Holes from the Tapcons when art was removed would be filled with hydraulic cement; The mortar currently on the building was in great shape; Artwork would be displayed from June 14th to September 21st, 2008; A gala would be held to auction off the art work; Monies would go back into the community through the Downtown Tipp City Partnership and Tipp Monroe Community Services to be used to create an Arts Council of Tipp City; Free standing structures along the front of the wall such as a park bench, picnic table or two and faux shrubbery created on plywood on stands (not confirmed) but the idea was to create an enlivening effect on the side of the building; The idea of the artwork is that when looking through the frame you would be seeing some kind of scene from someone looking out of a window in Tipp City.

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Mr. Spring noted that nothing in the Guidelines or the Secretary's Standards directly addresses the proposal. Mr. Spring stated that from his position the main consideration was any potential damage to the structure. Mr. Spring also stated that if the owner was willing to submit to the temporary intrusion and refilling then he could respect that.

Chairperson Wert stated that she checked with the National Historic Preservation Trust and found no additional information about external displays for temporary use. She noted that the issue of any damage to the building seemed to be minimized.

Mr. Mabelitini stated that being a member of the Downtown Tipp City Partnership and the project would benefit he asked to abstain from the vote.

Chairperson Wert asked for further discussion. There being none, Mr. Himes **moved to approve the application to include the following conditions: Approved for the temporary art work to be assembled on the eastern façade of the building with the condition that the applicant first try to utilize battens. If battens are not sufficient then the sole use of Tapcon screws may be utilized,** seconded by Mr. Bagi. **Motion carried.** Ayes: Himes, Bagi, Watkins, and Wert. Nays: None. Mr. Mabelitini abstained from the vote.

A. Kristin Mantia - 134 E. Main Street, Tipp City, OH - (Tony's Bada Bing) - Lot: Inlot 3627 - The applicant requested Restoration Board approval for the installation of a roof/awning structure at the southeast corner of the property located at 132-134 E. Main Street of Tony's Bada Bing Tavern.
Present zoning district: CC/RA- Community Center/Old Tippecanoe City Restoration and Historic District
Section(s): §154.052(H)(1)(b)

Mr. Spring stated that this was a case that was heard in the month of January 2008, and resulted in a 3-3 tie vote. Per Zoning Code Section §36.044(B) the case was essentially before the Board again this evening for review.

Mr. Spring stated that the applicant requested Restoration Board approval of the installation of a roof/awning structure at the southeast corner of the property located at 132-134 E. Main Street of Tony's Bada Bing Tavern. The roof/awning structure would be used to provide a roofed shelter area within the fenced patio/courtyard area approved by Restoration Board on June 26, 2007. Staff noted that the roof/awning structure was constructed without required Restoration and Planning Board approvals. This construction occurred due to a misunderstanding by the applicant that the roof/awning structure did not require any further Board approvals since it would be constructed inside of the existing (and previously approved) fence line.

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Mr. Spring also stated that the roof/awning structure was 27' x 13.5' (364.5 square feet) and was constructed of corrugated sheet metal and was supported by four (4) 4x4 posts, 8' on center. The roof/awning structure was 13' in height, attached to the adjacent structure on its western edge (eastern façade of the existing building), was sloped easterly, and included a gutter and downspout, and an opening for an existing ventilation hood.

Mr. Spring noted that the Planning Board granted site plan approval for the roof/awning structure at their January 8, 2008 meeting. If the proposed roof/awning structure was approved by the Restoration Board, the applicant would be required to obtain a Zoning Compliance Permit and an approved Building Permit from the Miami County Building Regulations Department.

Mr. Spring also noted that Section 154.052(H)(1)(b) states:

1. It shall be the duty of the Restoration Board to review all plans for the construction, alteration, repair, moving, and demolition of the structures in the district. The Restoration Board shall also act as advisor to the City Planning Board and City Council. The Restoration Board shall:
 - b. Determine whether any proposed activity and the results thereof will be appropriate to the preservation of said district within the intent of this section, and the guidelines adopted by the Restoration Board.

Mr. Spring provided information regarding awnings, per the Guidelines Booklet, to the Board Members in their staff reports for their review.

Ms. Kristin Mantia approached the dais and stated that she was present to seek the approval of the sheet metal awning which is supported by ~~the~~ treated lumber structure and posts covered with corrugated metal sheeting located on the southeast area. Ms. Mantia stated that on December 7th, 2006, the State of Ohio and the Health Department forced the no smoking laws and being a bar business that was a large part of their clientele. Ms. Mantia sought approval for a 600 square foot fenced in area, not only to control the amount of people standing out front smoking and noted that as fast as the law changes, in order to be a profitable business they must change with the law. She stated that she had spent an amount of time in front of the Board seeking approval for the fenced in area. After approval the information that she obtained from the meeting and dealing with the State of Ohio's Board she thought that she understood. After being contacted by Mr. Spring, Ms. Mantia found that she had misunderstood. At that point the awning was already put up. She decided to write a letter to the Board and to Mr. Spring explaining what pieces of information she put together to come to the conclusion that she did not think that she needed Board approval. Ms. Mantia expressed that the reasoning behind the building of the awning was that the business was still continuing to adapt to changes of the law and of their business. She stated that wood and metal were chosen because they were the most cost effective and durable materials for the project. Ms. Mantia believed the awning conforms with

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the fenced in area and was important that the business have an awning or patio especially with the weather; the past month of February, 17 out of 26 days it had rained. Ms. Mantia stated she was not before the Board to discuss or explain any future building plans or other issues with the existing structure. She explained her misunderstanding and had submitted her request for the Certificate of Appropriateness for the current standing awning. Ms. Mantia stated she was willing to take any questions needed about the awning solely.

Mr. Himes **moved to approve the application as submitted**, seconded by Mr. Blake.

Chairperson Wert asked for discussion.

Mr. Himes stated that it occurred to him that there was a lot of discussion that was negative about the building including boarded up windows which was not pertinent. Mr. Himes noted that at the time the fence was approved there was one dissenting descending vote and that vote was regarding the design of the fence and not the affectfact of the fence. Mr. Himes noted that the statement was made by one of the Board Members that "we have no concerns about what goes on inside of the fence". Mr. Himes stated that the reference was primarily to the type of floor and furnishings but the statement was "we have no concerns about what goes on inside of the fence". Mr. Himes said that was an approximate quotation. He also said that Ms. Mantia could easily interpret that to mean what the words said. Mr. Himes sighted the Tipp City Zoning Code Section(s) §154.052(B)(9) *Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.* Sections(s) §154.052(B)(10) *Whenever practical, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.* Mr. Himes visited the site and found that the lean-to roof was supported by four posts which were sturdy and was a well built unit, but certainly something that could ~~not~~ be easily removed. He noted that it was attached on the other end to a building which was a nondescript building which was vinyl clad so it would almost be a temporary building. Mr. Himes noted that temporary was in the eyes of the beholder; brick and mortar was somewhat permanent and anything less than that could be considered temporary. Section(s) §154.052(D) *Regulation of property. No person, partnership, society, association, corporation, or organization shall make any exterior construction, reconstruction, alteration, or demolition on any property within the district unless a certificate of appropriateness has been issued by the Board.* Mr. Himes stated that the Members agreed that this section of code was not followed. However, since Ms. Mantia was told that "we had no concerns about what goes on inside of the fence" she could be forgiven for thinking that that section of code did not apply. Mr. Himes stated that it was his opinion

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that the shelter was ~~un-~~ barely visible from the street and was functional and rendered as a needed service for her customers, and could be easily removed without damage to the surrounding buildings. Mr. Himes also noted that the awning was not unsightly. Mr. Himes reminded the Board that if the shelter was voted against that it was one of the Board's obligations to be helpful to businesses and property owners and were duty bound in telling Ms. Mantia what it was that the Board would like to see, whether it be tear down the structure and build something new at a substantially cost, which the Board may also reject after the fact and they needed to be fair.

Mr. Himes researched the history and availability of corrugated metal and found that as early as 1820 in Scotland corrugated iron pieces were being made. By 1900's it was quite possible to have the availability of corrugated steel in Tipp City, Ohio. Mr. Himes suggested the Board reconsider the previous rejection.

Mr. Bagi stated that he had voted in favor of the Certificate last month and inquired with the Board the reasoning for the opposition. Mr. Blake stated to reference the minutes from the last Board meeting where he was pretty clear but would further clarify with additional comments. Mr. Blake stated that he served on the Downtown Tipp City Partnership, he is one of the original Board Members and he serves on the Economic Development Committee. Mr. Blake also stated that he was a former City Councilman and he had invested money and property downtown and live downtown. Mr. Blake noted that he had lived his life in Tipp City doing nothing but pursuing the fostering of economic development downtown. One of the clearest objectives of his volunteer life was to make sure that we are creating an environment where downtown will thrive, because it was very important to him. Mr. Blake noted that was one of the reasons why he had and still serves on the Restoration Board because it was so important that the limited number of structures that we have downtown remain the gems that they are or could be. Mr. Blake said that Tipp City had lost since he had served on this Board and City Council a couple of relevant buildings downtown that had been destroyed and are gone forever. Mr. Blake stated that had a searing affect on what you were trying to do so he was very conscious and aware of the structures downtown. This Board adopted guidelines, this Board that was chartered by the citizens of the community and were law in Tipp City. The entire purpose of the guidelines was to preserve and to protect structures that we have downtown. Mr. Blake stated that specifically the guidelines do mention this issue that the Board was faced with. Mr. Blake recited the Guidelines section on porches. Mr. Blake stated that he would argue Mr. Hime's point referencing the zoning code regarding size, scale, color and material of the property and what the property owner decided to do. Mr. Blake noted that the Board never had the opportunity to discuss with the applicant, because the work was already completed without following the procedures that anybody, whether they live in the restoration district or not must follow.

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Mr. Blake stated that the precedent that the Board sets when they approve work that was done prior to obtaining the certificate of appropriateness was something that could only add to deleterious effects for the community and the restoration district. Mr. Blake said that they needed to be proactive and work with people when exterior change was requested to a property. That was why the Board was there.

Mr. Blake noted that at the last Board meeting the Board reviewed what happened last year with a one-hundred percent approval record because people worked with the Board. He was not going to set that precedent, nor ignore the guidelines. Mr. Blake's biggest problem with what had happened was that the entire process was circumvented. Mr. Blake said that had the applicant come before the Board with a plan and the Board had the opportunity to work with them to do the research, things might be different but that was why he was not in favor of approving the certificate.

Board Members debated the issue in great length.

Mr. Mabelitini found that the part of the building that the awning was attached to did not show up on until well after 1900 (per the Sanborn and fire maps that go back from 1885 up to the early 1960's). He didn't know if that made a difference in terms of when a building was built and what types of materials to use whether its 1960 or 1920, he just wanted to point out that this building did not show up on a map until after 1900. Mr. Mabelitini stated that he too was a member of the Downtown Tipp City Partnership and on the Economic Development Committee; he realized that the business community needed to know that they were a resource and to let them know that the Board was there to help them. Mr. Mabelitini stated that he knew that there had to be some challenges and balances to be able to live or operate a business in the twenty-first century yet try and maintain nineteenth and early twentieth century. We aren't going to go back and put Victorian fences back but there were also porch lights and lighting that were never there, so the Board had to recognize that there are going to be some things in the twentieth century life and business that out of necessity were going to have to add to some buildings. Mr. Mabelitini noted that issue would need some thoughtful consideration. Mr. Mabelitini inquired that after the fact, and understood about process because when he had purchased his house he was handed all of the information and realized that he was going to be in the historic district, and noted that there was responsibility on both sides. Mr. Mabelitini stated that if the plan for the awning had been brought before the Board in the proper sequence would it had been approved with the construction and materials presented?

Mr. Bagi agreed that was the question and that the Board Members had to look at the request as though it was not completed.

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Chairperson Wert stated that the awning could have been completed much more in keeping with the historic area. Porches are in the area that could have been used as a guideline for Ms. Mantia.

Board Members found the following: Awning was not viewable from the street and was inside the fenced in area; Materials were available in the 1900's; Structure directly across the street (the Eagles) had the same awning.

Chairperson Wert called for the vote. Mrs. Patterson stated that the motion on the floor was to approve the Certificate of Appropriateness as submitted. **Motion carried.** Ayes: Himes, Bagi, Watkins, and Mabelitini. Nays: Blake, and Wert.

Old Business

There was none.

Miscellaneous

- Historic Plaque for Masonic Lodge

Mr. Spring stated that the Tippecanoe Lodge of the Free Masons would be erecting a historical plaque on the northern façade of the Masonic Lodge Hall located at 106 ½ E. Main Street. (left of the main door on the blue panel).

Mr. Spring also stated that the plaque delineates the history of the lodge dating back to 1849 as "the oldest continuously operating organization in Tippecanoe City." Per Code Section §154.089, the plaque, is a tablet, grave marker, headstone, statuary or remembrance of persons or events and does not require a permit (exempt).

Adjournment

Chairperson Wert asked for further discussion or comments. There being none, Mr. Bagi **moved for adjournment**, seconded by Mr. Blake and unanimously approved. Meeting adjourned at 8:29 p.m.

APPROVED: _____
Chairperson Janine Wert

ATTEST: _____
Mrs. Kimberly Patterson - Board Secretary